

IN THE UNITED STATES FEDERAL DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

JAVIER MANDRY-MERCADO

Removant

vs.

SALVADOR R. MANDRY MERCADO

et al.

Defendants

CASE NO.

21-cv-1430(JAG)

NOTICE OF REMOVAL

ACTION UNDER 28 USC 1441(B)

FEDERAL DIRECT QUESTION

2021 SEP -8 PM 3:03

RECEIVED AND FILED

TO THE CLERK OF THE COURT:

1. Defendant JAVIER MANDRY MERCADO hereby removes case No. JAC2018-0244 from the Tribunal of First Instance of Ponce pursuant to 28 USC 1441(c)(A) of the United States Code, to the United States District Court for the District of Puerto Rico, which is the judicial district where the action is pending. Per the case, the parties are Salvador Mandry et al.; However, this is wrong. The correct title should be: Conrado Manfredy (Plaintiff) v. Javier Mandry, Salvador Mandry, Margarita Mandry, Eduardo Mandry, Rosa Mercado, Adrian Mandry.

EXECUTIVE SUMMARY

2. The grounds for removal of this action involves a procedural due procedural violation in an estate adjudication case where the Plaintiff's choice of law known "Código de Enjuiciamiento Civil" (body of law that predates Public Law 600) was intentionally used to violate as an impediment so that the court would not hear or resolve them. I will demonstrate that this issue involves a vagueness arising from the law which was not meant for the purpose for which it was used. This choice of law is one of the ways that

The Plaintiff (Conrado Manfredy initiated the case) has managed to block my right to reconvene, issue which I allege involves extrinsic fraud, because the Estate Administrator has forcibly moved the court to err by using lawyers' unsworn testimony as evidence without ever filing a cause of action. Additionally constant attacks used the attack to my pro se status was used to instigate a reluctance of the court to resolve the matter in depth because the lawyers say so to cause the court to accept a report which I can prove is fraudulent in substance, and their choice of law has used to violate my contract rights by circumventing my right to contractual consent. The contractual consent's circumvention was used to use other people's contractual terms because they have contracted with the Plaintiff to prevent that the true assets and liabilities of the estate to be discovered. At no time has the state court held a hearing, nor had has is had evidence that is nothing more than hearsay. This manipulation of proceedings is commonplace in my family and is used to allow some owners to take advantage of other people's property. This is the case here, where my own mother and father have misrepresented me with the help of an attorney who is specialist in legal entities. However, during this estate adjudication case, the Plaintiff is only showing a very tainted picture of what the truth really is. Because the lawyers are not owners of the legal process, they cannot tell me whether I will be allowed to reconvene to pleadings which their choice of law tacitly allow them to avoid.

3. Plaintiff and the widow's attorney acted recklessly by ignoring res judicata, or clear orders which I will demonstrate how the Plaintiff acted as a state actor and has acted reckless by refusing to file a complaint when he knew he had to file one. The Court of appeals had converted the case to contentious. The implications of this are huge because it meant that his original choice of law was no longer to be used. Because this was inconvenient, he chose to ignore it. The Plaintiff, with the help of his attorney and the attorney of the widow, they have decided that it was going to be easy to fool the pro-se. Their recklessness and sheer stubbornness do not allow them to understand that even

though they managed to obtain a judgment, the judgment was obtained without filing a cause of action as it was expected. On the other hand, the court has a hard time to invalidate a proceeding because it was done by lawyers and being petitioned by a pro-se. The other choice of law to resolve this matter is the Puerto Rico Civil Code which required him to file a standard claim which pleadings, causes of actions, etc. Failing to file one confers me the right on removal to request a declaratory judgment to invalidate all partial judgments issued by the court without subject matter jurisdiction. In addition, it would allow me to ask for damages for constitutional torts. Because the Plaintiff does not own the legal process, just because he tells the court to "jump", the court's jumping should have no permanent effect. His recklessness, and his collaborators, must respond to their contractual and extracontractual responsibilities, as well as the constitutional torts for causing an eleven-year delay, with no end in sight. Their main objective is to delay. The delay allows them to bill and keep billing. I need it to stop, as it is causing me severe emotional distress, while it is causing the legal entity damages and to my property. I suggest that the Plaintiff has been defrauding the entity because he claims it is his authority to perform the executorship, but even the assignment of the executorship is subject to be discovered in this removal.

4. I claim that Plaintiff's choice of law was used with the express intent to prevent a discovery, prevent any additional cause of action to be filed by any party, prevent to comply with his fiduciary duties towards a forced heir¹, and prevent any party from knowing the allegations and the causes of actions. By filing as an *ex-parte* case, he intentionally moved the court to understand that his requirements of the court are merely ministerial in nature, apparently not requiring the consent of the parties. This has been used to violate my contract rights, using the court to replace final a report² as valid when it is flawed to begin with was not sworn nor signed by the Plaintiff, who is

¹ Matter which alludes to a property right over the correct administration and adjudication.

² The Estate Administrator's final report of assets and adjudication

sub. The Plaintiff's bullyesque stance has had the only goal cause the court to negligently conceal existing businesses and legal entities which have been usurped from me since I was a minor. The extent of this involves what I claim is a criminal because the Plaintiff is aiding and abetting not just the widow to take advantage of the estate, but other parties whose names would have to be discovered.

5. I will demonstrate that the Plaintiff has used his lawyer-class of litigant to attack my pro-se status, moving the state court is overstepping its jurisdiction because it cannot arbitrarily override the consent of an indispensable party to engage in a contract in this type of partition. In addition, any summary judgment that was resolved without having a cause of action renders all remedies null and void. Additionally, the rule of the case does not favor the Plaintiff who wantonly decided to keep the case in his original choice of law, not the PR Civil Code. His strategy involves in submitting a draft judgment for the judge to sign,³ matter which is extremely unethical for a lawyer to give the court an escape and demonstrates how the Estate Administrator misuses his license to practice law and his state role as Estate Administrator. The Plaintiff, whom I claim had an agenda to cause damages since before my father's death, has violated much more than his fiduciary duties, but also ignored court orders and court of appeals judgements, as well as the will itself. He has attacked me with a vengeance, ever since I filed a case in federal court which included him and filed a complaint against him and his daughter because the will conferred him as estate administrator. [I will speak of this I detail in the background section.] The plaintiff has used its choice of law to coerce me into accepting contractual terms that I recognize as being iniquitous. I claim the plaintiff has been grossly negligent, reliant in his choice of law and his cunning as lawyer who has found ambiguities in a state law which allows him act in such a reckless way.

³ I will demonstrate how the Plaintiff does this. There is a pending motion filed by the Plaintiff to issue a mandate which includes an order to have all parties sign the transfer documents. The court is acting outside its jurisdiction by forcing parties to engage in contract, much less a contract whose terms have been imprinted by the strongest party.

6. I claim that no law (Plaintiff's choice of law) can abridge my rights of due process to file a reconvention and to know what the pleadings are and requested causes of action beforehand. I furthermore assert that this situation has turned noxious since he has caused for filing volumes causing the court case to go around in circles during the last eleven years. I request this court to assert injunction jurisdiction in light that the Plaintiff has exerted intentional emotional distress to this disabled veteran with ptsd. The emotional distress has become excruciating. Looking after my property has become a burden that has become too heavy to bear. I claim that the abuse that has been inflicted on me is criminal, but because the Estate Administrator has used the fact that I have PTSD to prevent me from continuing, perpetuating a monumental damage to my property rights and allowing that my own family to steal from me.
7. The choice of law and the plaintiff's constant persuasive stance is used to move the court to resolve pursuant to ad hoc law. There is no room for negotiation, as I have attempted ad exhaustion. The objective of the Estate administrator has been abundantly clear: to protect other people from having to clarify the businesses that exist and what profits have been taken by people who want to not pay me my rightful share.
8. It is unfortunate that I come from a family where everyone wants to take advantage of you, especially your own mother who is the widow who has caused damages since I was four years of age by representing me without proper authority in a contract, contract which affects the title registry retroactively. The legal stunts that they have used were all made with the advisement of Cesar Hernandez Colon, person whom I can attest uses his political connections from the ppd party to circumvent the law. I can attest to the fact that my family operates like a mafia, and this negligent concealment includes a what is considered an important state matter because they have engaged illegal practices by fabricating state debt by causing a misapplication of the state's Fifth

Amendment rights by stipulating a categorical taking, one of the lots that belongs to this estate. I am opposed to all unethical and felonious activities, especially those that affect third parties who are unaware how an inverse condemnation claim can be used to defraud the state by stipulating a categorical taking. There is a pending referral to the Federal Bureau of Investigation which I would like this court to assert mandamus jurisdiction, as he is circumventing the authority of the Fiscal Control Board by manipulating the debt of Puerto Rico.

9. This case has made me sick, as my desire is to use the Judicial system to resolve my property problem, but even this has been taken away from me. I had not removed it earlier because it involves a very ugly family feud which exposes judicial manipulation and habitual abuse of property belonging to minors. This case also exposes a very renown attorney from Ponce, Cesar Hernandez-Colon, who is the master orchestrator, working in tandem with the Plaintiff to allow his clients to not have to pay me back. I also claim that this attorney has been working in tandem with the Estate Administrator to use the same strategy of using his choice of law to commit fraud by concealing various businesses and legal entities that belong solely to the testator, but who should also belong to me. My parents abused me and my property, thanks to the legal counsel who forced himself to represent me as would a rapist onto a legally incompetent victim. I claim that Cesar Hernandez Colon is the criminal mind who is still manipulating a hereditary mass as if it were a corporation when it is not.
10. I need a forum to undo the illegal transactions and pierce the legal entities that were formed illegally when I was a minor, without due process of law, issue which would affect the assets of the Estate as a whole, and not just my share. I need to undo that which they did which renders the transactions invalid because state law deems them without legal authority, as they circumvented judicial authorization that is required

before a transaction takes place involving minors and their property. State law, as per Inre: Lopez Olmedo, has clarified that previous authorization is needed to validate any transaction.

11. I come from a family where the parents took advantage of the fact that they were parents to engage in transactions where I was a party and without proper authority misrepresented the true ownership, while circumventing the law because Mr. Hernandez Colon showed them the way. They have done everything to infuriate me and use my natural response against me, just because there are three lawyers against one *pro se*, matter where I claim they have used their class of litigants to deprive me of my Faretta rights. I also assert that I have been forced to self-represent myself because they bought off my previous attorney, who intentionally concealed issues regarding the distribution and known businesses.
12. Had it not been because of the plaintiff's choice of law and malicious intent to prevent this litigant and heir from filing a counter claim, the case would have been resolved at least nine years ago. The Estate Administrator and his law firm were involved during contract formation to create my father's last will and testament. I claim this is a bad faith case where the law firm has engaged in the use of intimidation by claiming that I am harassing them to prevent me from continuing, knowingly that I am a disabled veteran with service-connected PTSD, or the fact that I have been deemed totally disabled by Veterans Affairs, and in complete and utter contempt towards my wellbeing, causing damages that I deem far exceed five hundred million dollars, in direct damages and against my property. [This figure involves the fact that the plaintiff is protecting other people who have been negligent towards me and my property, matter which will be subject to discovery of these people. I will explain this point in the background section.]
13. I claim that what has happened to me has been an abuse that has extended to the last forty years of my life and has been perpetuated by cowboy lawyering such as will be

evinced in this case. My parents have always hired unethical lawyers to pursue transactions and legal entities, some of which I am aware of, while others that remain mostly concealed. Coercion has been a modus operandi to engage in transactions, using intimidation to prevent answering for what the transactions of moneys that were

14. Because of this, I claim that this is a Bivens claim against the Plaintiff, who has collaborated with my mother's attorney, Rafael Torres, to intentionally and brutally torcher me because I have chosen to pursue a fair trial. Here, there are three lawyers against one pro se. All three move the court to prevent it to consider any of my claims, while they lead the court to produce ad hoc law. The ambiguity arising from their choice of law has allowed for this. For most pro se's, this would have taken themselves out of the running. However, because I know there is money involved, I can prove that they took money belonging to the estate for a case which is designed to defraud the Commonwealth of Puerto Rico. Although I have advised the Plaintiff, I will no longer allow anyone to coerce me to represent me without my consent, especially when I know that they are doing do to benefit people who have defrauded me all my life, now they are expanding to defraud the Puerto Rico by augmenting its debt by more than fifty million dollars.
15. The Estate administrator and his lawyer also filed cases of harassment which he later voluntarily dismissed when the court denied his Faretta right when she realized that they were bringing allegations of fraud and manipulation of my father's estate. This was done to shut me up, matter where I assert involves use of racketeering practices, all to obtain the judgment which does not even resolve the allegations that I am doing so here. His choice of law will be demonstrated were part of his strategy to prevent me from objecting to his fraudulent and misleading report which he is using the court to ratify. I will demonstrate that he attempts to use the court to force/coerce on a litigant to accept a contract, issue which I claim violates my contractual right to meeting of the minds.

16. This civil engineer and veteran from military intelligence of the Army pleads the assistance of this Federal Court to put a stop to situation that has become too much to bear involving my property which arises from stealing my identity. The matter has turned violent in the sense that they will take all legal actions and stunts to prevent damages to the attorneys involved, especially a discovery of the fraud against the Commonwealth of Puerto Rico by misapplying the Fifth Amendment to cause a categorical taking of property, matter which I can prove points directly to Cesar Hernandez Colon and RICO activity. I also claim that my due process rights were violated because he could not represent me in the stipulation because he was not my lawyer. As when I was four (4), he represents you by force if not done so voluntarily.
17. The longevity of this case has been the result of the Estate Administrator's stubbornness to circumvent the law and the rightful and correct execution of his role that was conferred by means of a state inheritance law and other members of the hereditary mass who have endorsed Cesar Henandez Colon to engage in stipulation of fact in a case which fictitiously increases the debt of Puerto Rico. My endorsement was not considered in that stipulation, matter where I claim that Cesar Hernandez Colon has once again forcibly represented me in a case where I am an indispensable party. The Estate Administrator has been always colluding with CHC to not only deprive me of my due process rights in this case and in all cases, while engaging in racketeering activities to defraud the state, while benefiting financially other litigants in this case, and himself.
18. The urgent need to resolve this case arises from a very deep pain that has reached the very core of my being, as its roots are an abuse to my person by my parents, when I was a child, by my parents who, with the assistance of Cesar Hernandez Colon and his improper legal representation to circumvent the law. Unless I expose this atrocity, I

will not be able to move on. I will have been permanently stepped on and abused, with my property stolen from me and then thrown to the streets with nothing but my will to fight for my property. I claim that the attorneys in this case have not practiced law because it is unfathomable that a court can approve an out-of-court contract without anyone's signature. After a very lengthy period of research, I have concluded that the choice of law is defective. Not only do they know it, but they have also manipulated the Judicial System to violate very well-established contract law. What has made it most frustrating is that they have no remorse, and their constant attacks are indicative that the Plaintiff never intended to fulfill his fiduciary duties, but to have planned on causing severe damages even if intentional emotional distress were necessary to achieve the wishes of the widow.

19. I request a forum to engage in a derivative action claim on behalf of the legal entity, the Estate of Salvador Mandry and Javier Mandry, per se, v. Conrado Manfredy et al., case which involves issues of state interest, as it entails how a state law was used to abridge the rights of an American disabled veterans and citizen who was discriminated for living in a territory whose legislative procedures violate the Supremacy Clause.

BACKGROUND

20. The state claim is a "contentious" claim involving a distribution of Estate of Salvador Mandry-Nones, my father. I am the youngest of five offspring and am a defendant in state claim. I assert have a property right to receive the correct amount in distribution, pursuant to the last will and testament.
21. My claims against my father's estate entail a violation of my property rights whose onset dates back to when I was four years of age. A conflict of interest involving the distribution of a court case, case 57-2295 from Ponce, was transacted and led my parents to act in a manner that violated my liberty rights by finding out a legal loophole which

allowed them to circumvent the need for consent, whether it be judicial or personal as an adult. The onset of this situation is rooted in a conflict of interests between the assets of a child and his parents who inherited at the same time and became common owners of land. It also involves heinous abuse of my integrity by use of an emancipation and power of attorney to continue to control my share of common property and use my share to pay lawyers to exacerbate the abuse for wanting to enjoy the property and its fruits, instead of stealing it from me.

22. During the first six years of this case, the estate administrator attempted to force an out of court agreement and used the court to order the bailiff of the court to sign for those who would not sign voluntarily. After that, the court decided to dismiss the case requiring that a contentious case be filed. The Court of Appeals decided to retain jurisdiction over the parties, not requiring clearly that a formal complaint had to be filed. During the second round, he never filed a cause of action, and thought that he would be able to file a summary judgment before filing his claim; As a result of this, I filed a request for the state court to declare a mistrial. I had not realized what he had done until the state court denied my reconsideration regarding the interrogatory and the fact that the estate administrator's report violated evidentiary procedure because it was signed by his attorney and son-in-law. The state court has not resolved my request for annulment in ten months, since it was filed in December. On removal, I request to invalidate all partial judgments where the court violated the rule of the case. On removal, I have a federal claim against the estate administrator because his recklessness to file a cause of action was used to conceal assets which I know exist, as well as other heirs who contracted with the estate administrator to cause me harm by constant persecution of my rights, and even filing a harassment claim for issues brought up during this case.

23. The onset of the violations to my rights can be dated back to 1977 in a legal document [See Appendix 1] where Cesar Hernandez Colon was the notary and had later represented me (without proper authorization in a case where a conflict existed), circumventing the state's *parens patriae* protection. Appendix 1 was used to submit to the court to distribute the 21.25% share belonging to my great-grandmother, Margarita Mercado Riera, with an agreement that included only the adults. I was a party in that case, and I give faith and contend that neither I nor the rest of the minors who had inherited were included in that document.
24. My mother and widow in this case, Rosa Mercado, without prior authority to do so, nor a party to said case, with malicious intent, represented all her children in an agreement which resolved a twenty-five-year conflict in the courts which involved the assets of my great-great grandfather, Mario Mercado Montalvo. The minors who were legally incompetent required for a legal guardian or tutor to represent them. Cesar Hernandez Colon at the time was in the last year of his brother's (Rafael Hernandez Colon) first term as Governor of Puerto Rico. This conferred him much legal clout, which he willfully abused because as notary he represented the state.
25. This legal document [appendix 1] was an out of court agreement which was later submitted to the state court in 1977 to resolve a court case with my mother's acceptance, along allowed them to pursue numerous transactions that the title agency was moved to register because they considered the document as valid. This strategy is being used in this case, circumventing the need (due process requirement) for the court to hold a hearing to resolve the matter in substance and decide on the matter of the estate final when they have bluntly fabricated the case with nothing more than hearsay evidence. They also moved the court to do everything other than what the pro-se requests because they know better.

26. In my research of the title registrations of the lots that were acquired in the before mentioned case and referenced in appendix 1, I found that many of these transactions included false transactions amongst the parties, many circumventing the requirements arising from state law which requires that minors be duly represented by an impartial party, especially when there existed a conflict of interest as defined by the Supreme Court of Puerto Rico in *Guerra v. Ortiz* (1964). In retrospect, I recognize that the minors were a nuisance for those who had waited more than twenty years to resolve a court case which began long before my birth, in 1957. I was born in 1974. So, they resorted to use deceptive legal measures to engage in transactions where the court would not have approved of otherwise. I do not ratify that contract. I wish to annul it and ratify the transactions that violated proper contractual consent.
27. When I realized that my mother had abused me because she had power over me, because of the power of attorney that he obtained by force, I embarked a long and lonely road to obtain documents that predated my research of the title agency because many, many things were kept from me. I studied law and contracts. My parents emancipated me and forced me to sign a power of attorney which gave them authority to represent me in anything. When I revoked that power of attorney, all hell broke loose. My parents used my share to pay lawyers to torture me. My father continued to represent me in a manner that can be considered *ultra vires*. I contend that last twenty years or more, I have not received any share of that inheritance. My mother whom I consider to be a malignant narcissist vehemently disproves of me bringing up the past actions or paying me back what she took from me, what is rightfully mine. (Emphasis supplied) My research turned me into a legal forensic analyst, which is the reason why I have caught on to all the manipulation of legal proceedings that the estate administrator is using in this case, using his choice of law to his advantage and in betrayal of his duties towards the estate, as a legal entity.

28. My father, at time of death, was a majority owner (~55%) aliquot share of the lands that were inherited. I have about a four percent aliquot share of those lands, not including the share that I would acquire from my father. An aliquot share owner requires the consent of all parties to transact on the property; I have numerous claims against my father's estate, most of which I reclaim the rights he took from me; Another part of my claims involve a derivative claim while others are direct against the Estate Administrator for violation contractual rights which voluntarily accepted at the beginning of this case, and violation of his fiduciary duties; I have constitutional claims against the Governor of Puerto Rico because of the choice of law that the estate administrator used should be invalidated because it violates the Constitution and a due process matter where the state's procedural deficiency violates Public Law 600. This deficiency of the law and the process involved is alleged to have enabled this coercive action. I claim damages against my mother, who is now an heir and has always done everything to steal my property to claim it as hers. I will demonstrate that true malice is involved, as she even filed a state claim against me to evict me from a property where I was a previous owner, all to deter me from further digging. My claims would reduce her share of the distribution, which is the motive for the Plaintiff's choice of law and to not want to use the Spanish Code (Código de Enjuiciamiento Civil) to confuse the court and prevent to have to comply with his fiduciary duties.

29. Since 2011, the estate administrator has been reluctant to share information and purposely conceals property that should have belonged in my father's estate. During the status hearings he prevents the court to consider these issues by misleading the court with ad hoc law, and very cunningly avoids having to present sworn testimony to avoid being accused of perjury. Because the Civil Code would have been my choice of law, a proper filing of a court case would have prevented this extensive delay (more than a decade) because his choice of law was designed for conventional distribution where the controversies are not against the estate or against the estate administrator

himself. I have a claim here against both. Relevant law in PR clearly recognizes that there are two ways to distribute an estate: the conventional way when there is a mutual agreement on most issues and the judicial way where the estate administrator must file a claim and present causes of action, and to prove to the court. I would have had no objection if I would have been conferred the right to litigate the issues which the court is supposed to resolve.

30. In another matter, it is asserted that this case is intimately related to another federal case which is pending before the First Circuit Court of Appeals. Javier Mandry v. Victor Fingerhut et. Al. Case number 16-cv-2229. This case was summarily dismissed by Judge Garcia Gregory and was subjected to the automatic stay of PROMESA ACT since 2007. The underlying subject matter case is a continuation of the allegations laid out in case 16-cv-2229 and evinces my prior allegations. However, the defendants of said case appear to have contracted Mr. Manfredy to protect them to prevent discovery in this case which would affect them in that case. Part of the defendants of case 16-cv-2229 are included and affected by my reliefs because it would affect the assets of the estate.
31. In my research, I found a letter by Cesar Hernandez-Colon to Anita Cortes at the PR Highway Authority [Appendix 2] where Mr. Colon is ordering that the agency would distribute moneys that belonged to the estate of my father, estate that has not yet been adjudicated. The letter was dated September 5, 2014. I am interested in finding out what consequences this letter had. I already know that Mr. Manfredy withdrew more than \$200,000 from a forced condemnation claim, and that money is not reported anywhere in his reports.
32. The Estate Administrator was involved in the formation of my father's last will and testament, document which conferred him the legal right to act as Estate Administrator. His daughter and notary public notarized my father's will, which my father signed in the presence witnesses, as required by state law, allowing an indefinite term to pursue

his many tricks thanks to his choice of law. If I do not voluntarily to accept their terms which he has vehemently forced on me, he will continue financially churning the estate. For every motion that they write, they bill the estate. It has become obvious how the estate administrator flaunts new cars and lives a rich lifestyle, all thanks to the Mandry account. They have no shame, but his recklessness must be recognized as a violation to the legal entity.

THE FACTS OF STATE CLAIM (CASE JAC2018-0244) IN SUPPORT OF REMOVAL
JURISDICTION

33. The state claim was initiated on November 10, 2011, by means of an ex-parte petition, case JJV2011-1103, where Conrado Manfredy moves the court to assign him as estate administrator and pursue his role as such, pursuant to state law. [See appendix 3]
34. No other party was involved in this case, at time of filing. However, he later joined the heirs of the estate who subjected themselves voluntarily to the jurisdiction. Per my recollection of the many volumes of court records, I was summoned without a claim. Early on, the Plaintiff requested to consolidate the case with the widow's usufructuary case, case number JAL2011-0828. This, I allege was part of the formula used to prevent contention, issue which I claim opens the door to constitutional inquiry of the law to do what he did and how he did it. There have been so many documents regarding my opposition to this case that it does not deserve me wasting my time with a case where it was designed as a legal stunt from the beginning. In the meantime, the law offices of Conrado Manfredy benefits from the filing of motions that opposed mine.
35. The final judgment was not included here, as the same court overturned it [Feb 2017] after I filed an ethics complaint against the judge for approving an illegal contract where Judge Rosaline Santana authorized the bailiff of the court to sign for anyone who

opposed it. I now contend that this was done to make me believe that the court ordered. If I sign it, then it would have fallen into their trap.] Per Appendix 4, the Judge Santana dismissed the case.

36. On June 14, 2018, the Court of Appeals overturned [Appendix 5] the lower court's judgment, ordering that the case be converted to contentious. [the law does not provide for automatic conversion is part of the defect of the law which the estate administrator, a lawyer licensed to practice law by the state, used to further confusion which I claim alludes to a due process violation arising from the law.

37. Eight months after the Court of Appeals judgment, on February 1, 2019, the Ponce court decided to unconsolidated case JAL2011-0828 which was initially consolidated to case JJV2011-1103 which became JAC2018-0844. [See Appendix 6]

38. Early during the proceedings, there is evidence on the record shows that the Plaintiff wanted me to file the complaint because I was the one who moved the court to dismiss the case. My opposition on record was that the Plaintiff has a ministerial duty to finish his work. I claim that he attempted me to file the claim because then I would not be able to reconvene. The court never resolved this issue. At all times, I have had to be defensive and on the lookout for further judicial manipulation.

39. The Plaintiff filed a summary judgment⁴ with his report on or around August 2020, taking advantage a change of judge. Plaintiff later requested to include a matter regarding the widow's payments, which despite Appendix 6, supra, the court approved an amendment which involved the moneys to be paid to the widow. [Appendix 7]

⁴ This resolution was not available at time of filing. It will be part of the evidence of this claim. However, it will evince that it was resolved in the initial choice of law, not the PR Code as the Court of Appeals intended.

40. I requested that the report be stricken from the record, which the court denied on second reconsideration, even though it was not sworn but presented and signed by his attorney and son-in-law. At this time, I had not realized that the Estate Administrator had not filed a complaint; When the court denied my reconsideration, I requested a new trial. [Appendix 8] The court refuses to resolve my request for declaration of mistrial. More than eight months have gone by.
41. On April 13 2021, the Plaintiff filed a motion requesting order and mandate [Appendix 9] to the Registrar, annexed with a draft order [Appendix 9A] and a mandate [Appendix 9B] . The court has not resolved this motion.
42. Included as part of the mandate, supra, item number ten⁵,” The estate administrator endorses that to his best understanding and good faith, all assets were included and the debts of the estate which belongs to Mr. Salvador Mandry Nones, as it appears in the inventory of assets report, and the estate administrator declares that the liquidation and adjudication includes all the assets, liabilities and credits of the estate, except the assets included in an inverse condemnation claim, case JAC2008-0853, which is (currently) in the appellate stage.”
43. Regarding the latter, I hereby contend that at no point in time has the court been presented documents to decide whether any property exists, so it is alleged that this legal maneuver is designed to circumvent for lack of judicial knowledge. If the parties undersign a transfer document, they are being duped to confer their endorsement. This would not be an issue if there is common consent (meeting of the minds) to engage in a contract and if all parties do so voluntarily and without the use of tricks. Because I will not sign, I will not allow for the court to represent me in a contract as the Plaintiff so disgustingly intends.

⁵ “DECIMO” in Spanish

44. Included under mandate, supra, item twelve⁶ *“That it would be decreed that all the parties are to gather and within thirty days after judgment has been declared so that they can sign over all transfer documents so that the real property would be transferred over to the heirs that are being adjudicated.”*

45. The Plaintiff has continued to file his quarterly reports involving his expenses. Here, he wants the court to approve his expenses which were not included in any cause of action. I wish to contest any and all expenses, as I claim that the procedural history evinces that he never intended to

FINAL REMARKS

46. Arguendo, If any of the heirs refuses to sign, then the bailiff will be authorized to substitute the endorsement of that party”. Here, the Plaintiff using a mandate and in third-voice representing the court, a court who has not had any way to certify that the documents can allow for a determination of fact that the property was accounted for. Here, the Plaintiff introduced “slipped” a summary judgment in the mandate draft; Here, It is alleged that the Plaintiff is moving the court to arbitrarily use the bailiff to sign on behalf of the parties to perform the transfer of property which the court never had a chance to review. Additionally, the Plaintiff is using confusion to coerce the parties into thinking that because the judgment was “final” that they had no choice but to sign over the transfer voluntarily because otherwise the court will have the bailiff do it for you. If the court would have jurisdiction, it would not need anyone to sign any documents of transfer. This is coercion in the purest form. Plaintiff is a lawyer and CPA who has one lawyer working for him. His blatant violation of court procedures makes this case one where this court is requested to assert a Bivens claim against all parties

⁶ “DUODECIMO” in Spanish

involved in this well-orchestrated recklessness. A class action claim is asserted, as it is evident that what happened to me has been repeated many times.

47. Even though there is a partial judgment which is "final", there is a pending request that the court would annul the proceeding because all the partial judgements fail to comply with due process of law. I request on removal that the Plaintiff be submitted to an audit which I wish to guarantee with my share. They cannot be allowed to prevail because he violated fundamental law and a direct order which required him to both file a new claim with his causes of action and to file all matters related to the widow's compensation in a separate case number. All the lawyers of the case intentionally misled the court by contending what they claimed was true, when it concealed the fact that the court documents revealed a different story.

48. The Estate administrator, Conrado Manfredy, claims in his motions that I am to blame for the delay because I have opposed his report. I claim here that I have a right to oppose his report because he is forcing a unilateral agreement to be approved by the court. He also has a fiduciary duty and contractual and extracontractual which he willfully disregarded and sustains like a bulldozer over my rights to a fair trial. I assert that I have had to exercise my Faretta right because I am aware that he interfered with my previous lawyer. I am aware and assert the fact that his report was flawed and fraudulently concealed and misrepresented the truth of which were the assets and their valuations.

49. The estate administrator has confused the court, relying fully in his allegation that the case is noncontentious. His choice of law, combined with my oppositions, moved the court to err and later to reconsider or be overturned. I have no claim that the court has intentionally concerted with the Plaintiff. The underlying issue reverts to his choice of law which had never been submitted to a constitutional inquiry. This law is archaic and must be revised or nullified because its vagueness produced a confusion which has

forced the court to discriminate me, moved on lies that I cannot oppose the report. Part of the issue involves the Conrado Manfredy has used his clout as an attorney of Ponce to move the courts to approve a report which is fraudulent. The judgment was also not final, as it does not confer the Estate Administrator the complete

50. This year, both the Plaintiff and his lawyer (together) filed a harassment claim (Appendix 10) based on lies and on expressions that I included in motions. They wanted the court to consider my claims of fraud and self-dealings included in this court case as harassment. This was done to shut me up, violating my first amendment rights, causing intentional emotional distress which caused me to feel as if I was better off dead than continue with this constant attacks. The court disqualified his attorney from the harassment claim because as the Plaintiff's attorney, he could not have a cause against me. The Plaintiff was later not allowed to continue representing himself pro se. This case will be included in the evidence of abuse of law against a class of litigant.

51. Everything in the case was constructed with hearsay evidence, since 2011, when the parties were joined to his ex-parte case. Although I am not a lawyer, I am an avid researcher with technical background who has had to learn about the philosophy of law and logical fallacies. The wording of the will conferred an unlimited term, matter which required that it be stricken in a declaratory judgment. I claim this violates substantive due process and federal law. I also claim that this wording was placed in part by the notary and accepted by the diseased, matter that should be considered self-serving to the law firm.

52. My other siblings, not including Eduardo Mandry, were also subjected to this abuse of my mother and father, but never to the degree which I have for deciding to never talk to her again. Their stance complacent is to be discovered. I was hoping that discontinuing my power of attorney were sufficient, but it did not stop there. Instead of

representing me properly as a mandate, my mother and father used it to, at least in the matter of the Ponce Shooting Club transaction, he attempted to use my power of attorney ratify the transaction that must be declared null and void because a defect that requires prior court authorization as a minor is considered annulable ab initio.

53. The four attorneys' intervention caused the court to err because the state law cannot abridge my right to reconvene. The PR Civil Code considers that a counterclaim "mandatory" when filed by a defendant in response to a claim and is filed in a timely manner, as opposed to "discretionary" when it is not timely or occurs because of newly found evidence. The plaintiff avoided altogether filing allegations and corresponding reliefs; Doing so is what confers the court subject-matter jurisdiction in a contentious case pursuant to the Rules of Procedure of Puerto Rico. The federal direct question arises because: There cannot be a time-tolling of when I can reconvene in a case where the conniving plaintiff intentionally failed to file the claim pursuant to requirements that are like federal law. By failing to do so, CRS circumvented the rules of procedure which granted me the right to know the allegations beforehand, answer the claim and reconvene if I felt it was necessary, which I do. Even though there was talk on the record asking the court to have me file first, I claimed that it was the Estate Administrator who had a duty to do so. Had I filed the cause of action, I would have had a harder time to reconvene since I would have become the plaintiff. So, took advantage of change of judge to proceed pursuant to the initial choice of law to submit a summary judgment because of a draft of the summary judgment resolution. The judgment clearly shows that it was not resolved pursuant to the Civil Code.

54. Careful wording in the testament prevented any party from requesting a disqualification of the executor to be time-tolled; This guaranteed that the notary's father to remain in executorship during an unlimited period, and play "follow the carrot" with the pro se, as it would never allow the counterclaim. This alone should


make him a state actor because state law does not recognize that unlimited anything is unconstitutional, nor does the Governor, representing the Commonwealth of PR, respect constitutional law and the Supremacy Clause. The legislature of PR does not screen the laws for unconstitutionality. It also does not comply with the mandate of the people of PR who elected that PR to become a state. This violates the precepts of Public Law 447/600. I claim that a legal procedure or failure to ensure compliance to the United States Constitution is what enabled Plaintiff to act in such a reckless manner.

55. Because I know how the cookie crumbles, I have a well-founded belief that the heirs have offered CMS a monetary compensation to have him prevent me from reconvening. One of the heirs, Eduardo Mandry, inherited a debt as per clear wording of the will. CMS has prevented me from having the court interpret the will and testament that his daughter intervened as its notary public. I urgently urge this court to assert jurisdiction over this case and against all the wrongdoers, as it has become evident that the regional court. They have used all tricks to prevent to comply with fiduciary duties of answering for the acts during his lengthy administration. Those who applauded his actions should be included in the Bivens claim because they knew they were exacerbating my service-connected condition by inflicting more trauma than I could resist. For this, please make them stop. I claim that the Plaintiff has acted in reckless disregard of my health and my constitutional rights as litigant to a property claim. I request that a jury to establish the damages for this case.

56. Pursuant to 28 U.S.C. § 1446(d), THE UNDERSIGNED is serving written notice of the removal of this case on plaintiff's counsel, and a copy will be promptly filed with the Clerk of the Tribunal of First Instance in Ponce.

WHEREFORE, petitioner of removal and defendant to state claim, JAVIER MANDRY MERCADO, prays that this action be removed to the United States District Court for the

District of Puerto Rico and allow to amend the federal claim to clarify all pleadings, simplify and include appropriate claims, as needed.



JAVIER MANDRY MERCADO
Defendant state claim
Pro-Se

SERVICE; this case will be served simultaneously to the parties and the court.